



DEPARTMENT OF HEALTH & HUMAN SERVICES

Office of the Secretary

Departmental Appeals Board
Appellate Division, MS 6127
Room G-644, Cohen Building
330 Independence Avenue, SW
Washington, D.C. 20201

CERTIFIED MAIL -- RETURN RECEIPT REQUESTED

Russell J. Ellicott, D.P.M.
501 Fury's Ferry Rd.
Martinez, Georgia 30907

and

INTER-OFFICE MAIL - RETURN RECEIPT REQUESTED

Arianne Callender, Senior Counsel
Office of Counsel to the Inspector General
Department of Health and Human Services
Room 5527 - Cohen Building
330 Independence Ave., S.W.
Washington, D.C. 20201

Re: Russell J. Ellicott, D.P.M. v.
Inspector General
DAB CR1552
App. Div. Docket No. A-07-60
Decision No. 2075
Date: April 9, 2007

DETERMINATION TO DECLINE REVIEW

Dear Mr. Ellicott and Ms. Callender:

After reviewing the record to evaluate the issues presented by the exceptions, we have determined that we need not render a separate decision. We therefore decline review of and summarily affirm the administrative law judge's decision identified above.

Thus, the administrative law judge's decision becomes final and binding 60 days from the date of service of this letter. See 42 C.F.R. § 1005.21(j). The date of service will be deemed to be 5 days from the date of mailing.

Judicial review is available in an appropriate United States district court if a civil action is filed within

60 days after service of this decision. See sections 1128(f)(1) and 205(g) of the Social Security Act and 42 C.F.R. § 1005.21(k)(1).

_____/s/
Judith A. Ballard

_____/s/
Donald F. Garrett

_____/s/
Sheila Ann Hegy
Presiding Board Member

cc: Civil Remedies Division

Heidi Sorensen, OCIG
Robin Schneider, OCIG
Susan Earp, OCIG